

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 97-075

RESCISSION OF SITE CLEANUP REQUIREMENTS,  
ORDERS NO. 91-117 AND NO. 92-070, FOR:

**U.S. CELLULOSE AND LOUIS J. AND SHIRLEY D. SMITH AND  
HAZ/CONTROL**

for the property located at

**1545-1547 ALMADEN ROAD  
SAN JOSE, SANTA CLARA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

Site Description

1. Louis J. and Shirley D. Smith, husband and wife, own the property and buildings at 1545-1547 Almaden Road in San Jose. The property consists of two buildings and grounds which are rented/leased to prospective tenants for commercial activities of a varied nature. At one time two underground storage tanks (USTs) were located on the property and used by occupants. Both tanks were excavated and removed by direction of the property owners on August 8, 1985.
2. The two tanks were: (1) a 6,000-gallon capacity tank used to store lacquer thinner, and (2) a 2,000-gallon capacity tank used to store acetone. The contents of both tanks have been called "paint solvents". The smaller tank was installed for the Almaden Paint Co. in October of 1963. The date of installation of the larger tank is not known; it is surmised that both tanks may have been installed at the same time.

Site History

3. Almaden Paint Company occupied the site from 1963 or earlier, until September of 1966. The current owners acquired the property in March, 1968; the previous owners were Samuel H. and Beulah Tyler and Robert R. and June T. Rogers. When Almaden Paint vacated the property, the original U.S. Cellulose Co. occupied one then both buildings, and site occupancy was continued by the successor and present U.S. Cellulose through April or May of 1980. The successor U.S. Cellulose stored acetone in the smaller tank and lacquer thinner in the larger tank.

4. Pacific States Chemicals Inc. (PSCI) occupied first one then both of the buildings during the period June or July, 1980 to July or August, 1985. PSCI mixed and blended solvent and cleaning products but occasionally made acid cleaners, "carb cleaners", and paint strippers. PSCI reportedly did not use either of the tanks.
5. While PSCI was the tenant of record, HAZ/Control, with knowledge and permission of the property owners and PSCI, used one of the tanks to store a quantity of Methyl Ethyl Ketone (MEK), identified as "paint thinner", for a period of about three days.
6. MEK and other pollutants were found in soil samples from beneath the USTs when they were removed, and in a sample of groundwater which collected in a shallow narrow trench at the bottom of the excavation.
7. The Dischargers remediated the site by excavating approximately 3,700 cubic yards of affected soil in August 1991. Groundwater at the bottom of the excavation was found to be impacted by VOCs such as 1,1-DCA and vinyl chloride. Groundwater monitoring continued; concentrations of VOCs declined and in 1995 the Dischargers implemented an *in-situ* bioremediation project as a means of meeting the cleanup goals and reducing or eliminating the need for continued groundwater monitoring.
8. Routine periodic groundwater monitoring from 1995 to the present has demonstrated that cleanup goals have been attained and have stabilized. No further action is required at this site.

#### Regulatory History

9. On July 17, 1991 the Board adopted Order No. 91-117, Site Cleanup Requirements for the property at 1545-1547 Almaden Road in San Jose. The Order named only U.S. Cellulose and Louis J. Smith et ux as Dischargers; the Order stated that if warranted, the Board would consider adding other parties' names to the Order. The Order was considered for adoption and adopted by the Board at the request of Louis J. Smith et ux. In adopting this Order the Board rescinded Board Order No. 90-036 (adopted 02-21-90) and as amended by Board Order No. 90-162 (adopted 12-12-90).
10. On March 12, 1992 the State Water Resources Control Board adopted its Order No. WQ 92-04 which responded to the Petitions For Review of the Regional Board's actions in adopting Board Orders 90-036 and 90-162. The Petitions were

filed by U.S. Cellulose and Louis J. Smith et ux, and petitioned to have Pacific States Chemicals Inc. and HAZ/Control named as Dischargers.

11. The State Water Resources Control Board found that HAZ/Control should be named a Discharger and Pacific States Chemicals should not be named a Discharger, and directed the Board to name HAZ/Control a Discharger, along with U.S. Cellulose and the Smiths.
12. On June 17, 1992 the Board adopted Order No. 92-070 amending Order No. 91-117 (which had replaced Order Nos. 90-036 and 90-162), and named U.S. Cellulose, Louis J. and Shirley D. Smith, and HAZ/Control as Dischargers.

#### Basin Plan

13. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater.
14. The existing and beneficial uses of the groundwater underlying and adjacent to the subject property include:
  - a. Industrial process water supply,
  - b. Industrial service water supply,
  - c. Municipal and Domestic water supply, and
  - d. Agricultural water supply.

#### Basis for Rescission of Orders

15. The Board establishes the overall cleanup level for a water body based upon the most sensitive beneficial use identified. In all cases, the Board first considers high quality or naturally occurring "background" concentration objectives as cleanup levels for polluted groundwater, with a beneficial use of municipal and domestic supply, such as at this site.
16. The Dischargers have achieved cleanup levels for identified VOCs (volatile organic compounds) in groundwater, determined to be at or below MCLs (maximum contaminant levels) for these VOCs based on limits established for drinking water by the State of California and the U.S. EPA.

CEQA

17. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

Notice

18. The Board has notified the Dischargers and interested persons of its intent to rescind Site Cleanup Requirements for this site and has provided them with the opportunity for a public hearing and opportunity to submit written views and recommendations.

Public Meeting

19. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that Site Cleanup Requirements Orders No. 91-117 and No. 92-070 are rescinded.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 18, 1997.

*for*   
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Loretta K. Barsamian  
Executive Officer